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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products Liability Litigation

No. MD-15-02641-PHX-DGC

MOTION TO SEAL DOCUMENTS LODGED BY DEFENDANTS

DORIS JONES and ALFRED JONES, a married couple,

Plaintiffs.

V.

C.R. BARD, INC., a New Jersey corporation and BARD PERIPHERAL VASCULAR, an Arizona corporation,

Defendants

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiffs Doris and Alfred Jones move this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively “Bard”) lodged pursuant to the Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion for Summary Judgment as to Plaintiffs Doris And Alfred Jones’s Claims (“Notice”) [Doc. 7536]. As Bard admits in its Notice, the information and materials it has lodged “contain Plaintiffs’ personal healthcare information that is protected under HIPAA and confidential under the Stipulated Protective Order.” Notice at 1. Indeed, there is no dispute regarding the need to file the lodged documents under seal.

The information that Bard has lodged with its Notice all relates to Plaintiffs' personal healthcare, treatment, and medical records. Such information is clearly protected

1 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996
2 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
3 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
4 protected nature of the information – Bard admits that in its Notice. And, this Court has
5 already granted the filing under seal of the same (or similar) information when the parties
6 submitted their respective bellwether submissions. [See Doc. 4366.]

7 Accordingly, Plaintiffs request that the Court order the information and documents
8 lodged with Bard’s Notice at docket number 7536 be filed under seal.

9 RESPECTFULLY SUBMITTED this 12th day of September 2017.
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11 GALLAGHER & KENNEDY, P.A.
12

13 By:s/ Paul L. Stoller
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21 **CERTIFICATE OF SERVICE**
22

23 I hereby certify that on this 12th day of September, 2017, I electronically
24 transmitted the attached document to the Clerk’s Office using the CM/ECF System for
25 filing and transmittal of a Notice of Electronic Filing.
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27 /s/ Deborah Yanazzo
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